



Entered on Docket
June 07, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
USA CAPITAL REALTY ADVISORS,
LLC,
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED
FUND, LLC,
USA SECURITIES, LLC,
Debtors.

) Case No. BK-S-06-10725-LBR
) Case No. BK-S-06-10726-LBR
) Case No. BK-S-06-10727-LBR
) Case No. BK-S-06-10728-LBR
) Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

**ORDER SUSTAINING TWELFTH OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS**

The USACM Liquidating Trust (the "USACM Trust") filed its Twelfth Omnibus Objection to Claims Asserting Secured Status [DE 3155] (the "Objection") on March 20, 2007. Appropriate notice of the Objection was given. A Responses to the Objection were filed with this Court as follows:

- Opposition filed by Joanne M. Grundman regarding Claim No. 10725-01542 [DE 3480]. Counsel is preparing a motion for summary judgment as to this claim.
- Opposition filed by Erna D. Grundman for Joanne M. Grundman regarding Claim Nos. 10725-01542 and 10725-01544 [DE 3481]. Counsel is preparing a motion for summary judgment as to these claims.
- Objection filed by Lorraine Gunderson and Wynn A. Gunderson regarding Claim Nos. 10725-02321 and 10725-02322 [DE 3514]. A motion for summary judgment will be filed as to these claims.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Twelfth Omnibus Objection to Claims Asserting Secured Status listed on Exhibit A attached;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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1 PREPARED AND SUBMITTED:

2 **LEWIS AND ROCA LLP**

3
4 By: /s/ RC (#0006593)
5 Susan M. Freeman
6 Rob Charles
7 *Attorneys for USACM Liquidating Trust*

8 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

9 In accordance with Local Rule 9021, the undersigned certifies:

- 10 ☐ The Court waived the requirements of LR 9021.
- 11 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
12 parties who have appeared at the hearing regarding this matter and/or who filed
13 a written objection and each has:
- 14 ☒ approved the form of this order;
- 15 ☐ waived the right to review the order;
- 16 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 17 ☐ failed to sign and return this proposed order within five (5) business days
18 in accordance with LR 9021(b).
- 19 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
20 parties who appeared at the hearing regarding this matter and/or who filed a
21 written objection and all have either approved the form of this order, waived the
22 right to review the order, failed to file and serve papers in accordance with LR
23 9021(c) and the following have disapproved the form of the order:
- 24 ☐ No opposition was filed to the motion and no other party or counsel appeared at
25 the hearing (none required).

26 APPROVED/DISAPPROVED

Joanne M. Grundman
Joanne M. Grundman

APPROVED/DISAPPROVED

Erna D. Grundman
Erna D. Grundman

1 PREPARED AND SUBMITTED:

2 **LEWIS AND ROCA LLP**

3
4 By: /s/ RC (#0006593)
5 Susan M. Freeman
6 Rob Charles
7 *Attorneys for USACM Liquidating Trust*

8 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

9 In accordance with Local Rule 9021, the undersigned certifies:

- 10 ☐ The Court waived the requirements of LR 9021.
- 11 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
12 parties who have appeared at the hearing regarding this matter and/or who filed
13 a written objection and each has:
- 14 ☐ approved the form of this order;
- 15 ☐ waived the right to review the order;
- 16 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 17 ☐ failed to sign and return this proposed order within five (5) business days
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25 the hearing (none required).

26 APPROVED/DISAPPROVED

Joanne M. Grundman

APPROVED/DISAPPROVED

Erna D. Grundman

1 APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

2 Lorraine Gunderson
3 Lorraine Gunderson

Wynn A. Gunderson
Wynn A. Gunderson

4
5 **LEWIS AND ROCA LLP**

6
7 By: /s/ RC (#0006593)
8 Susan M. Freeman
9 Rob Charles
10 *Attorneys for USACM Liquidating Trust*

12th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Gold Plated LLC Dwight W & Mary Ann Harouff 5680 Ruffian Rd Las Vegas, NV 89149	10725-01964	1/10/2007	\$752,859.27	S, U
2	Golden, Joseph 144 Dawn Ct Old Bridge, Nj 08857	10725-00365	10/2/2006	\$25,000.00	S
3	Goldstein, Marilyn 37 Linwood Rd South Port Washington, NY 11050	10725-00450	10/5/2006	\$50,542.70	S
4	Goode IRA, James Paul C/O First Savings Bank Custodian 401 Puuhale Rd Honolulu, HI 96819	10725-01972	1/10/2007	\$173,334.75	S, U
5	Goode, James Paul 401 Puuhale Rd Honolulu, HI 96819	10725-01971	1/10/2007	\$708,761.49	S, U
6	Goodness Living Trust Dtd 6/28/00 C/O Rachelle A Goodness Ttee 3985 Lake Placid Dr Reno, Nv 89511-6780	10725-01743	12/7/2006	\$100,000.00	S
7	Goodwin, Michael John 555 Yellow Pine Rd Reno, Nv 89511	10725-02162	1/12/2007	\$505,538.20	S,U
8	Goodwin, Michael 555 Yellow Pine Rd Reno, Nv 89511	10725-01677	12/11/2006	\$454,405.00	S
9	Graf, Paul D & Margaret A 2530 Great Hwy San Francisco, Ca 94116-2613	10725-01834	1/2/2007	\$62,875.03	S, U
10	Graf, Paul D & Margaret A 2530 Great Hwy San Francisco, Ca 94116-2613	10725-01835	1/2/2007	\$62,875.03	S, U
11	Graf, Paul D & Margaret A 2530 Great Hwy San Francisco, Ca 94116-2613	10725-01836	1/2/2007	\$62,875.03	S, U
12	Graf, Paul D & Margaret A 2530 Great Hwy San Francisco, Ca 94116-2613	10725-01837	1/2/2007	\$19,897.62	S, U

13	Graham, Douglas S & Valerie L Po Box 276 Cambria, CA 93428-0276	10725-01164	11/9/2006	\$53,500.00	S
14	Graham, Nanci 240 Upper Ter #3 San Francisco, CA 94117-4516	10725-02183	1/12/2007	\$15,823.13	S
15	Graham, William 3124 Queensgate Ln Modesto, Ca 95355	10725-00228	9/25/2006	\$50,000.00	S
16	Gray Ira, Thomas C 31672 Scenic Dr Laguna Beach, Ca 92651-8205	10725-00222	9/25/2006	\$50,000.00	S
17	Gregory D Yonai Family Trust C/O Gregory D Yonai Trustee 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-00993	10/27/2006	\$400.19	S
18	Gregory D Yonai Family Trust C/O Gregory D Yonai Trustee 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-00995	11/6/2006	\$25,000.00	S
19	Gregory D Yonai Family Trust C/O Gregory D Yonai Ttee 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01026	10/27/2006	\$6,900.00	S
20	Gregory D Yonai Family Trust Gregory D Yonai Trustee 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01001	10/27/2006	\$27,500.00	S
21	Gregory D Yonai Family Trust Gregory D Yonai Trustee 1982 Country Cove Ct Las Vegas, NV 89135-1552	10725-01002	10/27/2006	\$55,500.00	S
22	Gregory J & Shauna M Walch Family Trust C/O Gregory J Walch Trustee 344 Doe Run Cir Henderson, NV 89012-2704	10725-00868	10/31/2006	\$500,000.00	S
23	Gross, Mary Margaret 717 Merialdo Ln Las Vegas, NV 89145	10725-00393	10/2/2006	\$50,780.00	S
24	Grundman, Erna 1608 Brown St Carson City, NV 89701	10725-01542	12/6/2006	\$17,911.11	S, P

25	Grundman, Joanne 1608 Brown St Carson City, NV 89701	10725-01544	12/6/2006	\$54,818.09	S, P
26	Gunderson, Wynn A & Lorraine J 33941 N 67Th St Scottsdale, AZ 85262-7250	10725-02321	1/13/2007	\$100,000.00	S
27	Gunderson, Wynn 33941 N 67Th St Scottsdale, AZ 85262	10725-02322	1/13/2007	\$100,000.00	S
28	Gunning, Toby A 7245 Brockway Ct Reno, NV 89523-3247	10725-01608	12/8/2006	\$138,320.55	S, U
29	Gunning, Toby 7245 Brockway Ct Reno, NV 89523	10725-02155	1/12/2007	\$145,599.93	S, U
30	Gunther, Barbara L PO Box 614 Verdi, NV 89439	10725-02172	1/12/2007	\$25,392.88	S, U
31	Guptail, Priscilla M Po Box 9550 Bend, OR 97708	10725-02237	1/12/2007	\$25,000.00	S
32	Guyer, Nancy 455 Enterprise Ct Boulder City, NV 89005	10725-02195	1/12/2007	\$54,000.00	S
33	Hains, Kelley M & Jamie K 5349 Mira Loma Dr Reno, NV 89502	10725-02156	1/12/2007	\$60,000.00	S, U
34	Halseth Family Trust Totally Restarted 4/21/00 Daniel R & Sandrak Ttees 23 Molas Dr Durango, Co 81301	10725-01936	1/9/2007	Blank	S, U
35	Hammond Ttee Of The Dar Living Trust, Darlene 308 LA Rue Ct Las Vegas, NV 89145	10725-02045	1/11/2007	\$164,688.50	S, U
36	Handal, John A M 3575 Siskiyou Ct Hayward, CA 94542	10725-02286	1/12/2007	\$711,472.73	S, U
37	Handal, John A 3575 Siskiyou Ct Hayward, CA 94542	10725-00955	11/2/2006	\$289,167.00	S

38	Handelman Charitable Remainder Unitrust Dtd 5/3/97 C/O Gloria W Handelman Ttee 2324 Caserta Ct Henderson, NV 89074-5316	10725-01464	11/14/2006	\$501,255.08	S
39	Handelman, Gloria & Jim 2324 Caserta Ct Henderson, NV 89074	10725-01468	11/14/2006	\$813,000.00	S
40	Handelman, Gloria W & Jim 2324 Caserta Ct Henderson, NV 89074-5316	10725-01466	11/14/2006	\$507,812.49	S
41	Handlin Family Trust 4/16/04 C/O Shirley M Handlin Trustee 8855 Leroy St Reno, Nv 89523-9777	10725-00651	10/23/2006	\$22,425.00	S
42	Hansen, Edwin C & Rachel M 2549 Shettler Rd Muskegon, Mi 49444-4356	10728-00078	10/23/2006	\$130,000.00	S
43	Hanslik, Waldemar 10420 Marymont Pl Las Vegas, NV 89134	10725-00333	9/28/2006	\$70,000.00	S
44	Harding, Nemo & Erin 419A Atkinson Dr Apt 504 Honolulu, HI 96814-4711	10725-00935	11/2/2006	\$21,792.24	S
45	Harding, Nemo & Erin 419A Atkinson Dr Apt 504 Honolulu, HI 96814-4711	10725-00936	11/2/2006	\$12,951.80	S